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**SMILEY WANG-EKVALL, LLP**

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Attorneys for Elissa D. Miller, Chapter 7  
Trustee

**UNITED STATES BANKRUPTCY COURT**

**CENTRAL DISTRICT OF CALIFORNIA**

**LOS ANGELES DIVISION**

In re

GIRARDI KEESE,

Debtor.

Case No. 2:20-bk-21022-BR

Chapter 7

**DECLARATION OF KYRA E.  
ANDRASSY IN SUPPORT OF  
STIPULATION AUTHORIZING  
PAYMENT OF CLIENT'S SETTLEMENT  
FUNDS AND FEES AND EXPENSES TO  
BE DISBURSED TO THE ESTATE**

**[No Hearing Required]**

I, Kyra E. Andrassy, declare:

1. I am a partner with Smiley Wang-Ekvall, LLP, attorneys for Elissa D. Miller, Chapter 7 Trustee of the bankruptcy estate of Girardi Keese (the "Trustee"). I am licensed to practice before this Court and the courts of the State of California. I know each of the following facts to be true of my own personal knowledge, except as otherwise stated and, if called as a witness, I could and would competently testify with respect

1 thereto. I make this declaration in support of the *Stipulation Authorizing Payment of*  
2 *Client's Settlement Funds and Fees and Expenses to Be Disbursed to the Estate* (the  
3 "Stipulation") . Unless otherwise defined in this declaration, all terms defined in the  
4 Stipulation are incorporated herein by this reference.

5 2. I am informed that prior to the petition date, the Debtor was retained by the  
6 Client and commenced an action against various defendants in connection with a fire at a  
7 building known Ghost Ship (the "Litigation"). The Litigation was recently resolved  
8 pursuant to a confidential settlement agreement (the "Settlement").

9 3. I am informed that the retention agreement between the Debtor and the  
10 Client provided that the Debtor would receive a percentage of the total recovery from its  
11 representation of the Client, plus costs.

12 4. I am informed that, in October 2020, the Debtor received a payment as part  
13 of the Settlement ("First Payment"). That payment was to be disbursed according to the  
14 terms of the retention agreement (i.e., first to costs, then the contingency fee, with the  
15 balance to the Client). The Trustee believes that the Debtor, however, failed to remit any  
16 portion of the First Payment to the Client. After deducting costs, allocated to the Client  
17 based on the Client's settlement amount relative to the settlement amounts to be  
18 received by other plaintiffs represented by the Debtor, and the Debtor's contingency fee,  
19 the Client would have been entitled to receive the balance.

20 5. I am informed that Alexander is currently holding an additional payment on  
21 account of the Settlement ("Second Payment").

22 6. In order to avoid any reluctance on the part of Alexander to remit the  
23 Second Payment to the Trustee, the parties have entered into the Stipulation regarding  
24 the disbursement of the Second Payment.

25 7. The amount of the Second Payment, even if paid 100% to the Client,  
26 without the deduction of any apportioned costs to the Estate and the contingency fee to  
27 the Estate, would still be less than the total amount that the Client would have received  
28

1 had the Client received the net balance due to the Client from the First Payment  
2 combined with the net balance due to Client from the Second Payment.

3 I declare under penalty of perjury under the laws of the United States of America  
4 that the foregoing is true and correct to the best of my knowledge.

5 Executed on this 17<sup>th</sup> day of August, 2021, at Costa Mesa, California.

6  
7 /s/ Kyra E. Andrassy  
8 KYRA E. ANDRASSY  
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## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 3200 Park Center Drive, Suite 250, Costa Mesa, CA 92626.

A true and correct copy of the foregoing document entitled (*specify*): **DECLARATION OF KYRA E. ANDRASSY IN SUPPORT OF STIPULATION AUTHORIZING PAYMENT OF CLIENT'S SETTLEMENT FUNDS AND FEES AND EXPENSES TO BE DISBURSED TO THE ESTATE** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) August 17, 2021, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page.

**2. SERVED BY UNITED STATES MAIL:**

On (*date*) August 17, 2021, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

The Honorable Barry Russell  
U.S. Bankruptcy Court  
Roybal Federal Building  
255 E. Temple Street, Suite 1660  
Los Angeles, CA 900125

☐ Service information continued on attached page.

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*)           , I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

August 17, 2021

*Date*

Gabriela Gomez-Cruz

*Printed Name*

/s/ Gabriela Gomez-Cruz

*Signature*

**TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):**

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This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.